761551N25A - SH-AD-32A

COUNTY OF LOS ANGELES

# SHERIFF'S DEPARTMENT

*A Tradition of Service*

DATE: February 18, 2014
FILE NO:

OFFICE CORRESPONDENCE

**FROM:** BOBBY D. DENHAM, COMMANDER
NORTH PATROL DIVISION

**TO:** ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

## SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

| | |
|---|---|
| Case Number: | SH2319756 |
| Incident: | Non-Hit Shooting |
| Incident Date: | September 2, 2012 |
| Unit: | Temple Station |
| Suspect: | Darnell K. Washington, MB/03-21-88 |
| Involved Employee: | Deputy John Marquez, #[redacted] |
| EFRC Date: | February 13, 2014 |

The Executive Force Review Committee (EFRC) consisting of Commanders Bobby Denham, Stephen Johnson, and Ralph Webb met and reviewed the above case.

## FORCE POLICY RELATING TO INCIDENT:

Law Enforcement officers may use deadly force in self-defense or in the defense of others only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

## FINDINGS:

A Temple Station deputy was on routine patrol travelling north on Peck Road and stopped for the red light at Michael Hunt Drive. He saw a female walk from the parking lot of the [redacted] restaurant on the northwest corner of Michael Hunt Drive and Peck Road and "Jay-Walk," south, across Michael Hunt Drive toward the 7-Eleven convenience store located on the southwest corner. Suspect Tania Washington walked into the 7-Eleven store.

Deputy Marquez made a left turn and drove into the [redacted] parking lot in order to watch for the female to exit the store and contact her regarding the jay walking violation. While in the parking lot, he conducted a registration check of a parked white Ford Explorer. The CLETS (California Law Enforcement Telecommunications System) vehicle license plate return came back as "armed and dangerous" as it was entered by the San Bernardino County Sheriff's Department.

Initially, the deputy did not see anyone inside the vehicle, but when he exited his patrol vehicle, he saw the suspect exit the Ford Explorer and point a shotgun at him. At this time, an exchange of gunfire occurred between the suspect and the deputy. After the initial exchange of gunfire, the suspect ran west through the parking lot and then south, crossing Michael Hunt Drive. The suspect stopped directly across the street from deputy, turned, and pointed the shotgun at him again. A second exchange of gunfire occurred between the suspect and the deputy. The deputy was shot in the head, arm and legs during this exchange of gunfire.

The suspect ran south along the front of the 7-Eleven convenience store, briefly stopping at the front door. The deputy then saw the suspect and the female (husband and wife), running south through various parking lots and then onto Durfee Avenue. The deputy broadcasted that he was following after the parties on foot in order to guide units in and establish a containment of the area. He continued to watch both parties as they attempted to unsuccessfully carjack a vehicle in the 7-Eleven parking lot and then again at the corner of Durfee Avenue and Farndon Street. While keeping them in sight, the deputy was broadcasting location updates and requesting additional units over his portable radio in order to establish a containment. During one of the carjacking attempts, the suspect fired at a vehicle as it turned onto Farndon Street and drove out of view. The parties ultimately entered a residence on Linard Street and committed a home invasion robbery, stealing the resident's vehicle and driving off, eastbound on Linard Street and out of view, escaping capture.

Thereafter, the suspect and his wife committed a series of carjackings in an effort to flee the immediate area and avoid arrest. Both parties were ultimately arrested in the State of Washington several weeks later and are being held on murder charges of an elderly woman from the Fremont, California area.

The deputy sustained gunshot wounds to the head, arm, and legs from shotgun pellets. He was transported to Huntington Memorial Hospital where he was treated and released. The suspect was not injured in this incident.

The EFRC determined the force used against the armed suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

**RECOMMENDATIONS:**

The EFRC recommended Deputy John Marquez, #[redacted] be submitted for a Departmental award for his bravery and heroism during this violent confrontation. The EFRC indicated Deputy Marquez did what he was trained to do and made some really good tactical decisions throughout the intense incident.

BDD:JER:jer

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## IAB #SH2319756

# Los Angeles County Sheriff's Department
# Officer Involved Shooting



| Report Date: | Bureau/Station/Facility: | Admin. Invest.? | Hit? |
|---|---|---|---|
| 09-02-12 | East Patrol Division / Temple Station | ☐ | ☒ |

## Incident Information

| | |
|---|---|
| URN: 912-09028-0562-055 | Date: 09-02-12 Time: 0855 |
| City or Station: Temple Station | Nature of Incident: Deputy Marquez approached a suspicious vehicle. S/Washington emerged from the vehicle and shot Deputy Marquez with a shotgun. Deputy Marquez returned fire missing the suspect. |
| Location: [redacted] Durfee Ave. South El Monte, CA. 91733 | |

**Location Type** (*circle one or more*): Backyard, Beach, **Business**, Freeway, Industrial, Park, **Parking Lot**, Residence, Rural, School, Street, Other: ______

**Lighting** (*circle only one*): Darkness, **Daylight**, Other, Street Lights

**Weather** (*circle only one*): **Clear**, Cloudy, Fog, Rain

**Distance:** 20-25 ft. / 40-45 ft.

**Incident Type** (*circle one or more*): Accidental, **Armed Person**, **Fleeing Suspect**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, **Startle**, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

**Initiated by** (*circle only one*): Arrest Warrant, Call, **Observation**, One Person Unit, Other, Search Warrant, Two Person Unit

**Prior Activity** (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Aero Unit? ☐ Canine Unit? ☐

| Total # of Shots Fired by Deputy | Total # of Shots Fired by Suspect |
|---|---|
| 16 | 3 |

## Employee Witnesses

| Employee # | Last Name | First Name | M.I. | ShiftTime (*circle only one*) | ShiftType (*circle only one*) |
|---|---|---|---|---|---|
| None | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |
| | | | | EM PM Day | Regular Overtime Off Duty |

## Non-Employee Witnesses

| Last Name / Street Address | City | First Name / Zip Code | Work Ph | M.I. / Home Ph |
|---|---|---|---|---|
| Last Name | | First Name | | M.I. |
| Street Address | City | Zip Code | Work Ph | Home Ph |
| Last Name | | First Name | | M.I. |
| Street Address | City | Zip Code | Work Ph | Home Ph |
| Last Name | | First Name | | M.I. |
| Street Address | City | Zip Code | Work Ph | Home Ph |

## Supervisors

| Employee # | Last Name | First Name | M.I | (*circle one or more*) |
|---|---|---|---|---|
| [redacted] | Carter | John | L. | **On Duty**, Present during shooting, Witness to shooting, Involved in shooting |
| | | | | On Duty, Present during shooting, Witness to shooting, Involved in shooting |

## Watch Sergeant

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | Devane | Ann | T. |

## Watch Commander

| Employee # | Last Name | First Name | M.I. |
|---|---|---|---|
| [redacted] | [redacted] | [redacted] | [redacted] |

| PSTD Use Only |
|---|
| SH # ______ |

# Officer Involved Shooting

URN: 912-09028-0562-055

## Rollout Information

| Arrival Date | Arrival Time | Date Submitted | Date of Recommendation |
|---|---|---|---|
| 09-02-12 | 1030 | | |

| Employee # | Last Name | First Name | M.I |
|---|---|---|---|
| [redacted] | Libertone | Patrick | L. |
| [redacted] | Reyes | Mark | A. |
| [redacted] | Allen | Victor | M. |

## Shooting / Force Information

### Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

### Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

### Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

### Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

### Caliber

( 9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

## FORCE APPLIED *(one code per block)*

| Used By (E# or S#) | Used Against (E# or S#) | Method (Code) | Brand (Code) | Caliber (Code) | Authorized Weapon? (Y/N) | Authorized Ammunition? (Y/N) | Type of Injury (Code) | Body Part (Code) |
|---|---|---|---|---|---|---|---|---|
| S#1 | E#1 | FS | | 12 | | | GS | HE |
| | | | | | | | | AR |
| | | | | | | | | LE |
| | | | | | | | | LE |
| E#1 | S#1 | FH | BR | 9 | Y | Y | NN | |
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See Front Side

# Officer Involved Shooting
# Involved Employee Information



URN: 912-09028-0562-055



## Involved Employee

**E 1**

| | | | |
|---|---|---|---|
| Employee # [redacted] | Last Name: Marquez | First Name: John | M.I.: P. |
| Sex: M / Race: H | Rank: DSG | Unit Assignment: Temple Station | Work Assignment (Unit #, Module, etc.): 55T1 |
| ShiftTime (*circle only one*): EM PM (Day circled) | ShiftType (*circle only one*): (Regular circled) Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: N/A |
| Hospital Admission? ☒ | Hospital Name: Huntington Memorial | Coroner Case? ☐ | Coroner Case #: / Interviewed? ☐ |
| Hrs of sleep prior to shooting: 8 | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, (Uniform w/ Vest circled) | Other Factors: |
| Age: [redacted] | Height: 602 / Weight: 189 | | |
| Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted] | |
| Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? ☒ / Number of Prior Shootings: 1 / Directed Force: [redacted] |
| Weapons Fired Brand: Beretta 92FS | Caliber: 9mm / # Shots: 16 | Weapons Fired Brand: | Caliber: / # Shots: |
| Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted] |
| Field Training Officer Emp # [redacted] | Last Name: [redacted] | First Name: [redacted] | M.I.: [redacted] |

**E ___**

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: / Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: / Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors: |
| Age: | Height: / Weight: | | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐ |
| Weapons Fired Brand: | Caliber: / # Shots: | Weapons Fired Brand: | Caliber: / # Shots: |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

**E ___**

| | | | |
|---|---|---|---|
| Employee # | Last Name | First Name | M.I. |
| Sex: / Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.): |
| ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used: |
| Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: / Interviewed? ☐ |
| Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors: |
| Age: | Height: / Weight: | | |
| Range Qualification Date: | PPC Qualification Date: | Laser Training Date: | |
| Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐ |
| Weapons Fired Brand: | Caliber: / # Shots: | Weapons Fired Brand: | Caliber: / # Shots: |
| Field Training Officer Emp # | Last Name | First Name | M.I. |
| Field Training Officer Emp # | Last Name | First Name | M.I. |

# Officer Involved Shooting
# Suspect Information

URN: 912-09028-0562-055



## Suspect Information

**S 1**

| | | | |
|---|---|---|---|
| Last Name: Washington | | First Name: Darnell | M.I.: K |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: M Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: [redacted] | Home Phone: [redacted] | Social Security #: | Driver's License #: [redacted] |
| Age: 24 D.O.B. 3/21/88 | Height: 602 Weight: 197 | FBI # [redacted] | CII # [redacted] |
| Booking #: Washington State | Primary Charge: 664-187 (A) PC | | Secondary Charge: 664-215 (A) PC |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☒ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? [redacted] |
| Vehicle Make: Ford | | Model: Explorer | Year: 1996 |

**S 2**

| | | | |
|---|---|---|---|
| Last Name: Washington | | First Name: Tania | M.I.: L |
| AKA Last Name: Ferguson | | First Name: Tania | M.I.: L |
| Sex: F Race: B | Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted] |
| Work Phone: [redacted] | Home Phone: [redacted] | Social Security #: | Driver's License #: [redacted] |
| Age: 25 D.O.B. 08/04/87 | Height: 503 Weight: 130 | FBI # | CII # [redacted] |
| Booking #: Washington State | Primary Charge: 664-187 (A) PC | | Secondary Charge: 664-215 (A) PC |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☒ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: Ford | | Model: Explorer | Year: 1996 |

**S__**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I.: |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking #: | Primary Charge: | | Secondary Charge: |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |

**S__**

| | | | |
|---|---|---|---|
| Last Name: | | First Name: | M.I.: |
| AKA Last Name: | | First Name: | M.I.: |
| Sex: Race: | Street Address: | City: | State & Zip Code: |
| Work Phone: | Home Phone: | Social Security #: | Driver's License #: |
| Age: D.O.B. | Height: Weight: | FBI # | CII # |
| Booking #: | Primary Charge: | | Secondary Charge: |
| Coroner Case? ☐ | Coroner Case # | Intoxication/Drug Usage? ☐ | Substance Used: |
| Armed? ☐ | Apprehended? ☐ | Mental Illness? ☐ | Criminal History? ☐ |
| Vehicle Make: | | Model: | Year: |

## COUNTY OF LOS ANGELES
## SHERIFF'S DEPARTMENT

# INVESTIGATIVE SUMMARY

**IAB#: SH2319756**
**URN# 912-09028-0562-055**

**DATE / TIME / LOCATION**

September 2, 2012, Sunday
0855 hours
[redacted] Durfee Avenue, South El Monte

**IAB SHOOTING / FORCE TEAM**

On September 2, 2012, Internal Affairs Bureau investigators responded to an incident command post, erected by Temple Sheriff's Station personnel at Peck Road and Santa Anita Avenue, near Legg Lake in South El Monte. Lieutenant Patrick Libertone, Sergeant Mark Reyes, and Sergeant Victor Allen, along with Attorney Bita Shasty from the Office of Independent Review (OIR), were briefed on the circumstances of a Deputy Involved Shooting. Sergeant Jeffrey Smith was subsequently assigned the responsibility for the administrative review of the incident.

**SYNOPSIS**

Deputy Marquez was shot by Suspect Darnell Washington during the second of two armed confrontations.

Deputy Marquez was on routine patrol as a one-person unit, travelling north on Peck Road and stopped for the red light at Michael Hunt Drive. He saw Suspect Tania Washington walk from the parking lot of the [redacted] restaurant on the northwest corner of Michael Hunt Drive and Peck Road and "Jay-Walk," south, across Michael Hunt Drive toward the 7-Eleven convenience store located on the [redacted] corner. Suspect Tania Washington walked into the 7-Eleven store.

Deputy Marquez made a left turn and drove into the [redacted] parking lot in order to watch for Suspect Tania Washington to exit the store and contact her regarding the jay walking violation. While in the parking lot, he conducted a registration check of a parked white Ford Explorer. The CLETS (California Law Enforcement Telecommunications System) vehicle license plate return came back as "armed and dangerous" as it was entered by the San Bernardino County Sheriff's Department. Initially, Deputy Marquez did not see anyone inside the vehicle, but when he exited his patrol vehicle, he saw Suspect Darnell Washington exit the Ford Explorer and point a shotgun at him. At this time an exchange of gunfire occurred between Suspect Darnell Washington and Deputy Marquez. After the initial exchange of gunfire, Suspect Darnell Washington ran west through the parking lot and then south, crossing Michael Hunt Drive. Suspect Darnell Washington stopped directly across the street from Deputy Marquez, turned, and pointed the shotgun at him again. A second exchange of gunfire occurred between Suspect Darnell Washington and Deputy Marquez. Deputy Marquez was shot in the head, arm and legs during this exchange of gunfire.

Suspect Darnell Washington ran south along the front of the 7-Eleven convenience store, briefly stopping at the front door. Deputy Marquez then saw both suspects, Darnell and Tania Washington (husband and wife), running south through various parking lots and then onto Durfee Avenue. Deputy Marquez broadcasted that he was following after the suspects on foot in order to guide units in and establish a containment of the area. He continued to watch both suspects as they attempted to unsuccessfully car-jack a vehicle in the 7-Eleven parking lot and then again at the corner of Durfee Avenue and Farndon Street. While keeping them in sight, Deputy Marquez was broadcasting location updates and requesting additional units over his portable radio in order to establish a containment of the suspects. During one of the carjacking attempts, Suspect Darnell Washington fired at a vehicle as it turned onto Farndon Street and drove out of view. The suspects ultimately entered a residence on Linard Street and committed a home invasion robbery, stealing the resident's vehicle and driving off, eastbound on Linard Street and out of view, escaping capture.

Thereafter, the suspects committed a series of carjackings in an effort to flee the immediate area and avoid arrest. Both suspects were ultimately arrested in the State of Washington several weeks later and are being held on murder charges of an elderly woman from the Fremont, California area.

Deputy Marquez sustained gunshot wounds to the head, arm, and legs from shotgun pellets. He was transported to Huntington Memorial Hospital where he was treated and released. Suspect Darnell Washington was not injured in this incident.

Investigators later learned that Suspect Darnell Washington was an escaped felon from the San Bernardino County Jail. He had been incarcerated for committing a series of armed robberies, but escaped with the help of his wife, Suspect Tania Washington.

The suspect's weapon was not recovered; however, two expended 12 gauge shotgun shells were recovered at the scene of the initial shootings between Deputy Marquez and Suspect Darnell Washington in the [redacted] restaurant parking lot and on Michael Hunt Drive. A third expended shotgun shell was recovered at the scene of the home invasion robbery at [redacted] It is believed the suspect chambered a live round into his shotgun, ejecting the expended round, from the shot he fired at a passing motorist at the corner of Durfee Road and Farndon Street. Sixteen expended 9mm casings were also recovered in the [redacted] restaurant parking lot.

**IAB Note:** Raw security video footage was recovered from [redacted] and the [redacted] Restaurant. The [redacted] footage captured the first volley of gunfire between Deputy Marquez and the suspect (See **CD #1**). The video footage from the [redacted] security camera does not capture any details of the shooting or events before or after the shooting.

## JSID REVIEW

Deputy District Attorney Amy Pentz, of the Justice System Integrity Division (JSID), responded to the scene the day of the incident and received the case from LASD Homicide for review. The case did not meet the JSID protocols as it was a Non-Hit (Suspect) shooting. Ms. Pentz closed their case, #12-0566.

## INVOLVED DEPUTY

**Marquez, John**, Deputy #[redacted] MH[redacted]
East Patrol Division – Temple Station
Date of Employment: 03-23-99
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Date of Range Qualification: [redacted]
Prior Shooting Incidents: One, 3-15-09, IAB Case #SH2239808

## SUSPECTS

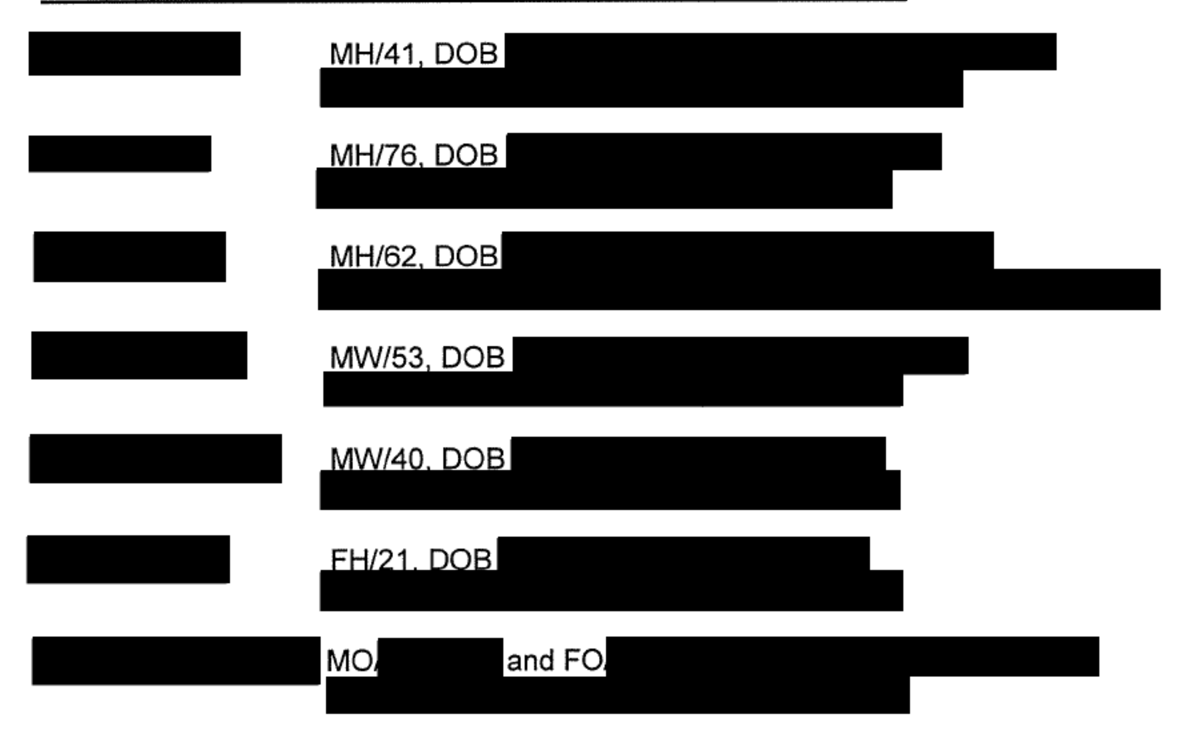
| | | | |
|---|---|---|---|
| **Washington, Darnell** | MB/24 | DOB: 3-21-88 | (Shooter) |
| **Washington, Tania** | FB/25 | DOB: 8-04-87 | |

**IAB Note:** Both suspects' Criminal History Reports are included in this case book. See **Exhibit A; Pages 351-404**.

## EMPLOYEE WITNESSES

None

## NON-EMPLOYEE/CIVILIAN WITNESSES (Homicide Interviews)



[redacted] MH/41, DOB [redacted]

[redacted] MH/76, DOB [redacted]

[redacted] MH/62, DOB [redacted]

[redacted] MW/53, DOB [redacted]

[redacted] MW/40, DOB [redacted]

[redacted] FH/21, DOB [redacted]

[redacted] MO[redacted] and FO[redacted]

[redacted] MH/ 47, DOB [redacted] FH/39, DOB [redacted]
[redacted] 10 yr. old [redacted]

**IAB Note:** There were numerous other "Witnesses" interviewed by LASD Homicide Bureau, however, these additional witnesses did not see the initial exchange of gunfire between the male suspect and Deputy Marquez. Their interviews were conducted as part of the crime investigation and further search for the two suspects as they carjacked several vehicles, committed a home invasion robbery and fled the Southern California area before being apprehended in the State of Washington several weeks later. These Homicide interviews are documented within Exhibit A, (Book 2).

## WITNESS STATEMENTS:

**IAB Note:** Homicide investigators canvassed the neighboring houses were for additional witnesses. Several people only heard the incident but did not witness the shooting. Their statements are documented on several supplemental reports within the Homicide shooting book (See **Exhibit A)**.

## INJURIES

### Suspects

None

### Deputy Personnel

Deputy Marquez sustained several 12 gauge shotgun pellet wounds to the head, right arm and legs. He was treated at Huntington Memorial Hospital in Pasadena (See **CD #8** for photos).

## PHYSICAL EVIDENCE

Several items of evidence were identified and collected by the staff from Scientific Services Bureau and documented in the Homicide case book (See **Exhibit A**).

**IAB Note:** A Sketch of the crime scene is included in this case book (See **Exhibit B**). Crime Scene photographs taken by the LASD Crime Lab are also included (See **CD's #6 and #7**).

## DISTANCE

The first exchange of gunfire occurred at a distance of approximately 20-25 feet. The second exchange, across Michael Hunt Drive, was approximately 40-45 feet.

## INVESTIGATOR OBSERVATIONS

The Internal Affairs Bureau investigators arrived at the scene approximately two hours after the incident had occurred and conducted a walk-through of the crime scene. For further details of evidence recovered, photographs of the Crime Scene, and Homicide Bureau notations, refer to **Exhibit A**.

> **IAB Note:** This investigator did not respond to the crime scene on the day of the incident and was assigned to complete the Internal Affairs Bureau, administrative review, after the Homicide case book was completed.

## REVIEW OF RADIO TRANSMISSIONS

The first voiced radio transmission at 0855:28 hours, was from the SCC Dispatcher announcing that the license plate return which 55T1 (Deputy Marquez) had inquired about via his Mobil Digital Computer (MDC), was a 10-29FD (Felony armed and dangerous) vehicle. The Dispatcher then asked what his status was. Deputy Marquez voiced his status over his car radio, however, the SCC dispatcher did not understand what he said and told him his transmission was "stat-icky" and asked him to repeat his transmission. There was no response for several seconds. She repeated her request and a moment later Deputy Marquez stated over the radio, "Give me the Patch, Give me the Patch!" and then announced, "998," "998" (Deputy Involved Shooting).

> **IAB Note:** The "Patch" (Duplex Patch feature) is a dispatch selection that allows units to hear each other's transmissions. Under normal operations, field units only hear a busy tone when other units are transmitting to SCC dispatchers. The dispatcher will then repeat what was said. SCC dispatchers will activate the Duplex Patch in emergencies, or when requested, to expedite communications.

Deputy Marquez then announced the direction of travel that the suspects were running and asked for additional resources in order to contain the area. At 0859:31 hours, he states the suspects had driven off eastbound on Linard Street in a black Volkswagen.

Following is an abbreviated timeline and summary of radio transmissions from LASD Dispatch 11 on September 2, 2012:

0855:28 hrs.: SCC Dispatcher asks Deputy Marquez what his status is re: the plate return
0855:53 hrs.: Deputy Marquez asks for the, "Patch"
0855:59 hrs.: Deputy Marquez announces, "998"-"998"
0856:07 hrs.: Deputy Marquez gives his location as, "Durfee-Michael Hunt"
0856:17 hrs.: SCC Dispatcher requests Fire Department
0856:18 hrs.: Deputy Marquez begins transmitting details of the suspects actions and what direction they are going. He requests additional units, "Code-3" including a request for "Aero"
0856:38 hrs.: SCC Dispatcher confirms that a "Sam Unit" (Supervisor) is responding
0857:01 hrs.: Deputy Marquez states suspects are southbound on Farndon
0857:31 hrs.: Deputy Marquez states suspects are south on Linard
0857:48 hrs.: Deputy Marquez clarifies his location and that he has lost sight of the

suspects. He continues to voice the need to set up a containment

0858:10 hrs.: Deputy Marquez, at the request of SCC, confirms he is injured and hit by shotgun pellets

0859:31 hrs.: Deputy Marquez broadcasts that the suspects are eastbound Linard, driving away in a black Volkswagen Jetta.

(*4 minutes and 3 seconds from first SCC transmission*)

The next 6 minutes of radio transmissions, and beyond, are of various LASD units coordinating efforts to set up and contain the area in order to capture the suspects. Deputy Marquez is treated for his injuries and is no longer transmitting information.

**IAB Note:** A CD containing emergency traffic (all inclusive – 5 hours) on Temple Station; Dispatch 11, as well as a CD with the first ten minutes of radio traffic. **CD's # 2 and #3** are attached with this case.

***For full and complete details of the first ten minutes of radio traffic from Dispatch 11, see verbatim transcripts included in this case book.***

## LIGHTING AND WEATHER CONDITIONS

This incident occurred during bright, sunny, daylight hours. Weather conditions were warm and dry with very light wind.

## WEAPON USED BY DEPUTY MARQUEZ

| | |
|---|---|
| Service Weapon Type: | Beretta 92FS, serial # BER[redacted] |
| Rounds Fired: | 16 |
| Type of Ammunition Used: | WIN 9mm Luger |
| Date Employee Last Qualified: | [redacted] |

**IAB NOTE:** An examination of Deputy Marquez's firearm by Homicide Bureau investigators indicated he had fired a total of 16 rounds. Further examination by the Department's Crime Lab determined all aspects of the weapon were functioning properly (See **Exhibit A; Page 183**).

## WEAPONS USED BY SUSPECT

Suspect Darnell Washington was armed with a 12 GA shotgun (Not recovered).

## PROPERTY DAMAGE

Homicide investigators located and identified several locations of property damage resulting from

bullet strikes. The damage is listed in **Exhibit A, page 79-80**. The property damage was limited to vehicles, exterior walls, windows and interior walls of one residence. No other persons were hit or injured by gunfire.

## CRIMINAL INVESTIGATOR / CHARGES FILED

| | | |
|---|---|---|
| Investigators: | Sergeant Brian Schoonmaker #[redacted]<br>Detective Timothy O'Quinn #[redacted]<br>Homicide Bureau | |
| Charges: | Darnell Keith Washington: | Count 1: 664-187 (A) PC<br>Count 2: 664-215 (A) PC<br>Count 3: 664-215 (A) PC<br>Count 4: 215 (A) PC<br>Count 5: 215 (A) PC<br>Count 6: 215 (A) PC<br>Count 7: 29800 (A) (1) PC |
| | Tania Le June Washington: | Count 1: 664-187 (A) PC<br>Count 2: 664-215 (A) PC<br>Count 3: 664-215 (A) PC<br>Count 4: 215 (A) PC<br>Count 5: 215 (A) PC<br>Count 6: 215 (A) PC |

See **Exhibit A; Pages 194**

## INVOLVED EMPLOYEE STATEMENT

*Involved Deputy John Marquez was interviewed by Homicide Bureau detectives the day of the shooting, September 2, 2012, at 1800 hours. The interview was digitally audio recorded (See* ***CD #4*** *included in this case book). The Homicide Bureau detectives summarized their interview with Deputy Marquez in a supplemental report included in the Homicide case book (See* ***Exhibit A; Page 104)****. Internal Affairs investigators reviewed the tape recording of the interview and found that Homicide's summary of their interview was consistent with the audio recording.*

Involved Deputy **John Marquez** was interviewed by Internal Affairs Bureau Sergeants Jeffrey Smith and Trent Denison on December 5, 2013, at 10:09 hours, at the IAB Headquarters Office in Commerce. Deputy Marquez was represented by LASPA Attorney Adam Marangell. The interview was digitally audio recorded. The following is a summary of that interview. *For full and complete details of the interview, refer to the transcripts which are included in this case book.*

Deputy Marquez stated he started his shift at 0600 hours on the day of the incident. He was working Unit 55T1/D, which is a South El Monte area, one-person traffic unit. He was on routine patrol, travelling north on Peck Road when he stopped for the red signal at Michael Hunt Drive. He was in the number one lane of travel for northbound Durfee Road.

**IAB Note:** Peck Road, northbound, changes to Durfee Avenue at Michael Hunt Drive. It is Durfee Avenue to the north of Michael Hunt Drive, and Peck Road to the south of Michael Hunt Drive. Durfee Avenue continues south, west of the intersection, as a residential street. This street is referred to as, "Little Durfee" to the deputies working the area.

Deputy Marquez saw a female, later identified as Suspect Tania Washington (hereafter referred to as, "Suspect Tania"), walk from the parking lot of the [redacted] restaurant on the northwest corner of Michael Hunt Drive and Peck Road. She "Jaywalked," south across Michael Hunt Drive and into the 7-Eleven convenience store located on the [redacted] corner.

Deputy Marquez stated he wanted to contact her regarding the jaywalking violation and decided to wait until she came out of the 7-Eleven store. When the light turned green, Deputy Marquez drove into the second driveway of the [redacted] parking lot. He drove into the lot and made a right-hand U-turn in order to be facing south with a view of the front area of the 7-Eleven store. He planned on contacting Suspect Tania regarding the violation as she came back across the street. Deputy Marquez stopped his vehicle adjacent to the Drive-thru of the [redacted] restaurant and in front of a white Ford Explorer.

While in the parking lot, Deputy Marquez said he conducted a registration check of the white Ford Explorer that was parked in a stall, facing east, and immediately to his right. He said he noticed that the Explorer was missing a front bumper and had a broken front headlamp.

He ran the license plate on his Mobile Digital Computer (MDC). The CLETS (California Law Enforcement Telecommunications System) vehicle license plate return came back as "armed and dangerous." Deputy Marquez said the Sheriff's Communication Center (SCC) dispatcher voiced this over the radio and asked him what his "status" was. Initially, Deputy Marquez did not see anyone inside the vehicle. He responded to the SCC dispatcher that the vehicle was empty and he was parked at "Michael Hunt-Durfee." He said there was some static over the radio and she asked him his status a second time.

**IAB Note:** SCC will be alerted anytime a license plate returns as a possible hazard to field personnel and will, as a precaution, ask the "status" of the unit. In this particular case, the return came back specifically, "10-29FD" (Frank David) which is a Felony Dangerous/Armed and Dangerous vehicle.

**IAB Note:** For deputies working at Temple Station, the term, "Michael Hunt-Durfee," or "MHD" are common abbreviations for the immediate area in and around the intersection of Michael Hunt Drive and Durfee Avenue.

Deputy Marquez said that after he received the initial voiced return from SCC, he backed his car up slightly past the Explorer, then drove forward and turned to the right to place his vehicle at an angle to the front of the Explorer. He said he stopped his car about five feet from the front of the Explorer. Deputy Marquez stated he did this in order to give himself a tactical advantage. He said this was something that he was trained to do in the academy.

Deputy Marquez said that he then got out of his car to look around the area and make sure there were no threats and ensure the car was clear of any threats. As he stepped out of his radio car, he said Suspect Darnell Washington (hereafter referred to as, "Suspect Darnell") got out of the passenger side door of the Explorer. He said the first thing he saw was Suspect Darnell holding a shotgun. Simultaneously, when Deputy Marquez saw this, he drew his duty weapon from his holster. Suspect Darnell then pointed the shotgun at him. Deputy Marquez stated, fearing for his life, he fired several rounds at Suspect Darnell in order to stop the threat. At the same time, Deputy Marquez heard a loud "boom" and saw smoke come from the shotgun. Deputy Marquez added that he was not hit by the suspect's shotgun fire during this first exchange of gunfire. Deputy Marquez believed that he had fired approximately six rounds and added that he did not believe any of his rounds struck Suspect Darnell.

After this first exchange of gunfire, Suspect Darnell ran in a direction away from him, west through the parking lot and then south, crossing Michael Hunt Drive. While he ran, Suspect Darnell was carrying the shotgun in his hands. Deputy Marquez broadcast over his portable radio that he had been involved in a shooting (Code-"998") and stated his location. Deputy Marquez believed that Suspect Darnell was going to run down "Little Durfee Avenue," into the residential neighborhood. Deputy Marquez said he lost sight of the suspect momentarily. Suspect Darnell suddenly appeared directly across the street, near the north driveway of the 7-Eleven store. Deputy Marquez said he was near the front of his radio car at this time. He said Suspect Darnell turned and looked at him and lowered the shotgun at his waist, pointing it at him. Deputy Marquez raised his duty weapon, picking up a sight-picture of the suspect. He stated that he recognized his backdrop was the large wall of the 7-Eleven store. He saw a large cloud of smoke, heard a loud "boom" and heard "crackling" around him and he knew the suspect was shooting at him. Deputy Marquez said he felt pain in his arms and in his head. He said he knew he had been hit by shotgun pellets. He then sighted in on the suspect and fired three rounds at the suspect. He saw that the slide on his gun was locked to the rear. Deputy Marquez then performed a tactical reload. Deputy Marquez said he "believed" he fired again at Suspect Darnell because Suspect Darnell kept pointing the shotgun at him by raising it to waist level. Deputy Marquez could not recall how many rounds he fired after he reloaded. Deputy Marquez said that the suspect only fired once at him from the 7-Eleven stores' driveway area. Deputy Marquez stated that Suspect Darnell then seemed to trip as he began to run away. Suspect Darnell used one of his hands to "catch" himself and then kept running. Deputy Marquez said he did not know if the reason Suspect Darnell stumbled was because of being hit by gunfire or simply tripping on the pavement or curb.

**IAB Note:** During the course of the interview, Google Earth satellite photos of the area were used to allow Deputy Marquez to show and mark locations of where he and the suspect were at different times throughout the incident. Labels were later added for clarity. The photos are included with this case book (See **Exhibit C**- two maps).

At this time, Suspect Darnell ran towards the entrance of the 7-Eleven store and paused at the doors for a couple seconds. Deputy Marquez then saw Suspect Tania come out of the store. Deputy Marquez said he watched the suspects from the sidewalk area on the north side of Michael Hunt Drive. He watched the suspects attempt to carjack a vehicle parked in the stalls for the 7-Eleven store. Deputy Marquez said that after a few seconds, and being unsuccessful in their attempt to obtain a vehicle, the suspects began running south through parking lots and then onto Durfee Avenue. Deputy Marquez said he was broadcasting over his portable radio the

with assisting units. Deputy Marquez said he never intended to pursue them, only to keep an eye on where they were going to let other units know. He was asking SCC for additional units and an air unit to assist him.

Deputy Marquez said that he crossed Michael Hunt Drive to the sidewalk area in front of the 7-Eleven store, when he saw the suspects cross Durfee Avenue, just north of Farndon Street. Deputy Marquez stated he was approximately 150 yards away from the suspects when they crossed Durfee Avenue.

Deputy Marquez watched Suspect Darnell as he attempted to stop a vehicle that was travelling north on Durfee Avenue at Farndon Street. The driver of the vehicle did not stop for the suspects, but turned right onto Farndon Street. Suspect Darnell fired at the vehicle with the shotgun as it turned. The vehicle drove eastbound on Farndon Street and out of view. Both suspects then continued to run in a south easterly direction, onto Linard Street (just east of Durfee Avenue).

Deputy Marquez said he ran south, along the west sidewalk of Durfee Avenue. In an effort to assist Deputy Marquez, passing motorists were honking and pointing in the direction that the suspects were last seen running. Deputy Marquez did not see the suspects at this point. He crossed Durfee Avenue and residents on Linard Street pointed to the house at [redacted] which was the [redacted] of the curve in Linard Street.

> **IAB Note:** Linard Street intersects with Farndon Street as a "T" intersection and proceeds south for a short distance and then curves to the east. Deputy Marquez said he was standing on the west side of Linard Street, in the curve/bend of the street.

The suspects ultimately entered the residence at [redacted] and committed a home invasion robbery, stealing the resident's vehicle. Deputy Marquez stated he saw a black Volkswagen Golf back out of the driveway at [redacted] and he immediately recognized the driver as Suspect Darnell. They both made eye contact. Deputy Marquez did not see the shotgun at this point. Deputy Marquez also added that he did not see Suspect Tania in the car. Suspect Darnell then drove away east on Linard Street and out of view.

Deputy Marquez added that during the entire incident, neither he, nor the suspect, said anything to each other.

## EMPLOYEE WITNESSES

None

## NON-EMPLOYEE/CIVILIAN WITNESSES

Homicide detectives conducted several audio recorded witness interviews from civilians who both saw and heard the shooting incident. Following are the summaries of the witness interviews conducted by Homicide Bureau (For full and complete details of the interviews, see the interview transcripts included with this case book and **Exhibit A; Pages 522-535** and **CD #5**).

**Witness [redacted]**

Witness [redacted] was interviewed by Homicide Detective Timothy O'Quinn on the day of the shooting at 1343 hours, inside the [redacted] restaurant. The interview was digitally audio recorded.

He stated he was outside of "[redacted]," ([redacted] Durfee Avenue, #[redacted], standing on the sidewalk approximately 15 feet west of the entrance when he heard approximately three shots. He looked in the direction of the sound of the shots and saw a deputy sheriff standing behind his driver's side open car door.

Witness [redacted] then stated he saw a male black (suspect) running in the middle of Michael Hunt Drive, and then stop in the parking lot driveway area of the 7-Eleven convenience store. Witness [redacted] stated that the suspect pointed a black rifle at the deputy. He described it as a "big" rifle. Witness [redacted] then said he heard 10-11 more shots. He said he saw the deputy firing at the suspect as the suspect pointed the rifle at the deputy. He could not tell if the suspect fired at the deputy, nor could he distinguish the sounds of the shots from the deputy or the suspect's rifle because he was much closer to the deputy. He said after the shots, the suspect turned and ran south into the parking lot towards the front entrance of the 7-Eleven. He added that the suspect seemed to be limping, as if his leg was hurt, as he ran. He was carrying the rifle with him. Witness [redacted] said that the deputy also seemed to limp along the sidewalk as he cautiously followed the suspect.

**Witness [redacted]**

Witness [redacted] was interviewed by Homicide Detective Timothy O'Quinn on the day of the shooting at 1404 hours, inside the [redacted] restaurant. The interview was digitally audio recorded.

Witness [redacted] only speaks Spanish, so Deputy Fabian Salazar assisted with the interview by interpreting. Witness [redacted] stated he was drinking coffee in front of Daisy's Bakery when he saw the deputy pull his patrol car in front of a white "station wagon." He saw the deputy get out of his car and appeared to be talking to someone near the station wagon. Witness [redacted] then saw the deputy pull his gun out and with two hands, fired eight to nine shots at, what Witness [redacted] described as, a "shadow" behind the white station wagon. Witness [redacted] said he saw what appeared to be the barrel of a rifle near the passenger side door of the station wagon. He stated that after the deputy fired, he saw the "shadow" get out of the car, pick up the weapon, turn and

run to the rear of the car. Witness [redacted] confirmed that the barrel of the rifle was pointed at the deputy while the deputy was shooting. He added that he heard a loud noise at the beginning of all the shots, before the deputy began firing. He stated it sounded different, and very distinctive, than the other shots the deputy fired.

Witness [redacted] said that when the deputy stopped firing, he lowered both his hands, and appeared to be reloading his handgun. When the deputy brought the handgun back up, he fired two more shots at the suspect as the suspect ran in the street towards the 7-Eleven store. Witness [redacted] said he saw the suspect stumble in the street but straightened up and continued running south, towards the front entrance of the 7-Eleven. The deputy also seemed to appear "tired," as he moved and crossed the street. Witness [redacted] then lost sight of both the deputy

and the suspect. Although he gave a basic description of the suspect, Witness [redacted] said he did not believe he could identify the suspect from a photo.

A second interview was conducted with Witness [redacted] later in the day, at his residence. This was to present him with a "6-Pack" identification package in order to possibly identify the male black suspect. This second interview was conducted in Spanish by Detective Richard Ramirez of Homicide Bureau. The incident was again reviewed for clarity and it was determined that Witness [redacted] was actually inside the [redacted] store, near the front window. The remaining details were essentially the same as the first interview.

**Witness [redacted]**

Witness [redacted] was interviewed by Homicide Detective Timothy O'Quinn on the day of the shooting at 1300 hours, inside the [redacted] restaurant. The interview was digitally audio recorded.

Witness [redacted] and his [redacted] (NFD) visited the [redacted] restaurant on September 2, 2012, just prior to the shooting. Witness [redacted] stated he had parked his vehicle in the parking lot just west of the [redacted] restaurant. He parked next to a white SUV which he later believed was the suspect's vehicle. He did not see anyone in the SUV when he parked his car. Mr. [redacted] and his [redacted] entered the restaurant and stood at the counter. He then heard a "hammering" sound and soon realized it was gunfire. He heard multiple rounds but did not know how many. Witness [redacted] and his [redacted] then took cover in a booth at the northeast corner of the restaurant and remained until contacted by deputies. He stated he did not see any details of the actual shooting incident.

**Witness [redacted]**

Witness [redacted] was interviewed by Homicide Detective Timothy O'Quinn on the day of the shooting at 1310 hours, inside the [redacted] restaurant. Witness [redacted] stated he was in his [redacted] just [redacted] of the 7-Eleven convenience store, when he heard what he believed to be a total of six gunshots. He looked out his [redacted] facing window and witnessed an attempted carjacking in the parking lot of the 7-Eleven. A female black was yelling at a customer of the 7-Eleven to give her his keys. The customer (Later identified as Witness [redacted] ran south and out of view. At this time, Witness [redacted] saw a male black (suspect) carrying a dark colored shotgun in his hands. He heard the suspect yelling as well, "Give me your keys, give me your keys!" He then watched both suspects run south through the parking lot and then crossed Peck Road. He added that both suspects seemed "hysterical" and "running scared." Witness [redacted] said that the male suspect attempted to stop several cars driving south on Peck Road. He did not observe whether or not the suspect pointed the gun at the vehicles.

Witness [redacted] said that approximately 2 to 3 minutes after the suspects had disappeared out of his view, he saw a deputy running in the direction of the suspects. He then dialed 9-1-1. Witness [redacted] did not see or hear anything else, nor did he have any further details regarding the incident.

**Witness [redacted]**

Witness [redacted] was interviewed by Homicide Detective Timothy O'Quinn on the day of the shooting at 1440 hours, inside the [redacted] restaurant. Also participating in the interview were two investigators from the District Attorney's Justice System Integrity Unit's (JSID) office. The interview was digitally audio recorded.

Witness [redacted] is the [redacted] of the [redacted] restaurant. He said that at approximately 0855 hours, he was standing behind the counter inside the restaurant when he heard sounds like the tapping of a hammer. He looked out the drive-thru window, to the west and the south, and saw a deputy sheriff running in a southward direction with a gun in his hand. He heard additional "hammering" sounds and realized it was gunfire. He then instructed all his employees and customers to "get down."

When he looked out the window again, he saw a male black suspect with, what he described as, a long barreled rifle or shotgun in his hands. He saw the suspect stumble in the street, straighten back up, and simultaneously point the rifle at the deputy. At this time, Witness [redacted] turned his attention to his employees and patrons inside the restaurant and did not witness anything further.

**Witness [redacted]**

Witness [redacted] was interviewed by Homicide Detective Timothy O'Quinn on the day of the shooting at 1527 hours, inside the 7-Eleven convenience store. The interview was digitally audio recorded.

Witness [redacted] stated that a female black (Suspect Tania) entered the store and asked to use the restroom. Witness [redacted] told her there was not a public restroom for use. The female suspect purchased a Budweiser Lime-Arita canned drink and left the store. Moments later, Witness [redacted] heard multiple gunshots coming from outside the store. At approximately the same time, the female suspect re-entered the store and yelled hysterically, "Oh my God!, Oh my God!"

Witness [redacted] said that a few seconds later, a male black suspect walked in front of the store, through the parking lot, holding a shotgun in his hands. Witness [redacted] said it appeared that he was loading the shotgun as he walked. Witness [redacted] then ran to the back office of the store and did not see anything further.

**Witnesses [redacted] and [redacted]**

Witness [redacted] and Witness [redacted] were interviewed by Homicide Detective Timothy O'Quinn on the day of the shooting at 1545 hours, at their residence on the day on the shooting. The interview was digitally audio recorded.

Witness [redacted] and Witness [redacted] stated they were inside the [redacted] restaurant when they heard multiple gunshots. They looked out the windows towards the south and saw a male black and a female black running south through the 7-Eleven parking lot. They saw a deputy follow after them. They then saw a power pole, behind the 7-Eleven store, explode and catch fire.

Witness [redacted] and Witness [redacted] both said they had seen the male and female black suspects inside the [redacted] restaurant prior to the incident.

**Witnesses [redacted] and [redacted]**

Witness [redacted] and Witness [redacted] were interviewed by Homicide Detective Timothy O'Quinn on September 5, 2012 at 1910 hours, at their residence on the day on the shooting. The interview was digitally audio recorded.

Witness [redacted] stated that both she and her [redacted] Witness [redacted] and their 10 year old [redacted] Witness [redacted] were inside the [redacted] restaurant at the time of the incident. They saw the male and female black suspects come into the restaurant and each of them use the restroom. A few minutes later they heard several gunshots and said they sounded like, "pops." Witness [redacted] said the [redacted] of the restaurant (Witness [redacted] yelled for everyone to get down. Witness [redacted] then said she looked out the south windows of the restaurant and saw the two suspects running south through the 7-Eleven parking lot. None of the [redacted] witnesses saw the exchange of gunfire between the deputy and the suspect.

**IAB Note:** There were numerous other "Witnesses" interviewed by LASD Homicide Bureau, however, these additional witnesses did not see the initial exchange of gunfire between the male suspect and Deputy Marquez. Their interviews were conducted as part of the crime investigation and further search for the two suspects as they carjacked several vehicles, committed a home invasion robbery and fled the Southern California area before being apprehended in the State of Washington several weeks later. These Homicide interviews are documented within **Exhibit A (Book 2).**

## SUSPECTS STATEMENTS

Both suspects were arrested several weeks after the shooting, on October 10, 2012, by King County Sheriff's Department in the State of Washington. Both, Suspect Darnell and Suspect Tania, were taken into custody for possession of a stolen vehicle and evading arrest. They were ultimately booked on several warrants, including warrants pertaining to this case. Homicide investigators did not interview them regarding the details of the case. Subsequently, there are no statements to include (See **Exhibit A; Page 409**).